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4. Carriers (§ 159*)—Loss of Goods—Notice of Claim.—The mere inquiry by the consignee requesting the property shipped to be traced, and stating what he supposed the value of the property to be, is not a compliance with the provision of a bill of lading that "claims for loss or damages must be made in writing * * * promptly after the arrival of the property, and if delayed more than 30 days after * * * due time for delivery thereof."

[Ed. Note.—For other cases, see Carriers, Dec. Dig. § 159.* 14 Va.-W. Va. Enc. Dig. 187.]

5. Carriers (§ 156*)—Loss of Goods—Notice of Loss—Waiver.—The act of the carrier in sending a tracer for a lost shipment, after its exemption from liability had attached under a provision of the bill of lading, was not a waiver of its right to claim such exemption if the goods are not located.

[Ed. Note.—For other cases, see Carriers, Cent. Dig. §§ 697-719; Dec. Dig. § 156.* 14 Va.-W. Va. Enc. Dig. 187.]

6. Carriers (§ 156*)—Loss of Goods—Notice of Claim—Waiver.—On receiving notice of a claim for lost goods after the time limited by the bill of lading for making such claim, the carrier's agent asked for certain information, and stated that "promptly on receipt of these documents the matter will receive attention." Held not a waiver of the delay in making the claim.

[Ed. Note.—For other cases, see Carriers, Cent. Dig. §§ 697-719; Dec. Dig. § 156.* 14 Va.-W. Va. Enc. Dig. 187.]

7. Words and Phrases—"Waiver."—A person is not bound by a "waiver" of his rights unless it be made with knowledge of the rights he intends to waive, and the fact that he intends to waive them must be made to appear.

[Ed. Note.—For other cases, see 13 Va.-W. Va. Enc. Dig. 637.]
Judgment reversed. All the judges concur.

SLINGLUFF *v.* COLLINS.

June 10, 1909.

[64 S. E. 1055.]

1. Execution (§ 335*) — Return — Necessity of Signature.—Under Code 1904, § 900, providing that an officer to whom process is directed shall make return thereon and subscribe his name to such return, and section 3577, providing that any return by an officer on an execution showing that the same has not been satisfied shall be a sufficient return, an unsigned return to an execution, reciting that no property could be found to levy on, is not a nullity, in view of other sections

*For other cases see same topic and section NUMBER in Dec. and Am. Digs. 1907 to date, and Reporter Indexes.

of the Code, showing that the signature to a return was not considered part of the return.

[Ed. Note.—For other cases, see Execution, Dec. Dig. § 335.* 5 Va.-W. Va. Enc. Dig. 462, 464.]

2. Execution (§ 338*)—Return—Signature—Amendment.—Where such return was made by an officer legally qualified to make the return, it is proper to allow him to amend it by adding his signature thereto.

[Ed. Note.—For other cases, see Execution, Cent. Dig. § 1020; Dec. Dig. § 338.* 5 Va.-W. Va. Enc. Dig. 463.]

3. Execution (§ 338*)—Return—Signature—Amendment—Lapse of Time.—The fact that 17 years elapsed before motion was made to amend the return by adding the officer's signature thereto will not affect the right to amend, where the debtor was notoriously insolvent, and the rights of third parties have not intervened.

[Ed. Note.—For other cases, see Execution, Cent. Dig. § 1018; Dec. Dig. § 338.* 5 Va.-W. Va. Enc. Dig. 463.]

4. Execution (§ 338*)—Return—When Made.—Where a firm is notoriously insolvent, and remains so, it is not incumbent on an officer levying an execution thereon and making a return of no property found to hold the execution to the return day to see that the firm may have property on which execution could be levied.

[Ed. Note.—For other cases, see Execution, Cent. Dig. § 1002; Dec. Dig. § 333.* 5 Va.-W. Va. Enc. Dig. 450, 463.]

5. Execution (§ 338*)—Amendments—When Allowed.—Courts pursue a liberal policy in allowing amendments whenever they can see it will be in furtherance of justice.

[Ed. Note.—For other cases, see Execution, Dec. Dig. § 338.* 5 Va.-W. Va. Enc. Dig. 463.]

Judgment reversed. All the judges concur.

SAFFELL et al. v. ORR.

June 24, 1909.

[64 S. E. 1057.]

1. Acknowledgment (§ 37*)—Acknowledgment of Married Woman—Sufficiency.—A certificate of acknowledgment of a married woman, which shows that she personally appeared before two justices of the peace, who examined her privily and apart from her husband and read and explained the deed to her, and that she acknowledged that she had willingly executed the same and did not wish to retract it, is sufficient.

[Ed. Note.—For other cases, see Acknowledgment, Cent. Dig. §§ 188-216; Dec. Dig. § 37.* 1 Va.-W. Va. Enc. Dig. 114.]

*For other cases see same topic and section NUMBER in Dec. and Am. Digs. 1907 to date, and Reporter Indexes.